

Appl. No.10/811,696
Docket No. 9533
Response dated December 11, 2006
Reply to Office Action mailed on September 11, 2006
Customer No. 27752

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REMARKS

Claim Status

Claims 1-21 were pending. Claims 1-8 and 11-20 stand rejected under 35 USC § 102. Claims 9, 10, and 21 stand rejected under 35 USC § 103. With this Response, claim 3 is amended, and claims 2, 4, and 21 are cancelled, so claims 1, 3, and 5-20 are now pending.

Rejections Under 35 USC § 102(b) Over Dobrin

Claims 1-8 and 11-20 stand rejected under 35 USC § 102(b) as being unpatentable over Dobrin, et al. (US 5,571,096). The Applicant does not admit that any characterization by the Office Action regarding these rejections is correct, but discusses such characterizations herein for the sake of argument. The Applicant traverses the rejections of the pending claims under 35 USC § 102 over the Dobrin reference for the reasons discussed below. The Applicant notes that claims 2 and 4 are cancelled with this Response.

Independent claim 1, as currently amended, recites in part a "backsheet having a physical variation along a longitudinal axis of the article." The Office Action stated that "there is some physical variation in the longitudinal axis as well, which is demonstrated in Figure 3" of the Dobrin reference. (Office Action, page 3, lines 7-8.) However, from the Applicant's review, Figure 3 of the Dobrin reference appears to be a lateral cross-sectional view of a disposable diaper, which does not appear to disclose a "backsheet having a physical variation along a longitudinal axis of the article" as recited in part in the Applicant's independent claim 1. For this reason, the Applicant asserts that the Dobrin reference does not disclose each and every element of the Applicant's independent claim 1. As a result, the Applicant respectfully requests reconsideration and withdrawal of the 102(b) rejections for independent claim 1 and claims 3, 5-8, and 11-20, which depend therefrom.

Rejections Under 35 USC § 103(a) Over Dobrin

Claims 9, 10 and 21 stand rejected under 35 USC § 103(a) as being unpatentable over Dobrin, et al. (US 5,571,096). The Applicant does not admit that any characterization by the Office Action regarding these rejections is correct, but discusses

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such characterizations herein for the sake of argument. The Applicant traverses the rejections of the pending claims under 35 USC § 103 over the Dobrin reference for the reasons discussed below. The Applicant notes that claim 21 is cancelled with this Response.

Independent claim 1, as currently amended, recites in part a “backsheet having a physical variation along a longitudinal axis of the article.” The Office Action stated that “there is some physical variation in the longitudinal axis as well, which is demonstrated in Figure 3” of the Dobrin reference. (Office Action, page 3, lines 7-8.) However, from the Applicant’s review, the Dobrin reference does not appear to describe, teach, or suggest a “backsheet having a physical variation along a longitudinal axis of the article” as recited in part in the Applicant’s independent claim 1. For this reason, the Applicant asserts that the Dobrin reference does not describe, teach, or suggest each and every element of the Applicant’s independent claim 1. Thus, the Dobrin reference does not describe, teach, or suggest each and every element of the Applicant’s claims 9 or 10, which depend from claim 1. As a result, the Applicant respectfully requests reconsideration and withdrawal of the 103(a) rejections for claims 9 and 10.

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Conclusion

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this Application and allowance of the pending claims is respectfully requested.

Respectfully submitted,

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